

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KRISTIN HABENICHT, individually and on behalf of all other similarly situated persons,)	Case No. 1:11-CV-02619-DAP
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	<u>ORDER OF PRELIMINARY</u>
)	<u>APPROVAL</u>
KEYCORP, <i>et al.</i> ,)	
)	
Defendants.)	

WHEREFORE, upon consideration of Plaintiff's Amended Unopposed Motion for an Order Conditionally Certifying Settlement Class, Preliminarily Approving Action Settlement, Directing Distribution of Class Notice, Setting Hearing for Final Approval of Class Action Settlement and Appointing Class Counsel and the Settlement Agreement, and

WHEREFORE, upon preliminary review, it appears the proposed Settlement and Release Agreement is within the range of reasonableness and, for purposes of certifying a settlement class, comports with Federal Rule of Civil Procedure 23(a) and (b), and

WHEREFORE, it further appearing that the Notice of Settlement and an opportunity to object will be sent to all class members.

It is therefore:

ORDERED that the parties' Settlement and Release Agreement is preliminarily fair and reasonable, and falls within the range of reasonableness.

ORDERED that Plaintiff Kristin Habenicht is appointed as the representative plaintiff in this class action.

ORDERED that Dan Getman and Matthew Dunn of Getman & Sweeney, PLLC and James P. Langendorf, Langendorf Law Office, local counsel are appointed as Settlement Class

Counsel because they collectively have substantial experience in the arena of complex and class action litigation and are qualified, and experienced attorneys.

ORDERED that for purposes of settlement a Federal Rule of Civil Procedure 23 class and a 29 U.S.C. § 216(b) collective action is certified consisting of (i) the Named Plaintiff, and (ii) individuals who worked for Key as Mortgage Loan Officers from December 2, 2008 through March 31, 2012.

ORDERED that:

Within 2 days after Preliminary Approval, the Notice shall be mailed to Class Members;

The last day for Class Members to object to the Settlement, class claim form, or opt-out shall be September 17, 2012; and

The last day for Class Members to rescind their decision to opt-out shall be October 1, 2012.

ORDERED that the form and content of the Notice of Settlement is adequate and proper, and comports with due process and is hereby approved.

ORDERED that a final fairness hearing will be held at 12:00 noon on Friday, October 19, 2012 in Courtroom 18B, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio 44113-1837.

ORDERED that Counsel for the parties are hereby authorized to jointly use all reasonable procedures in connection with approval and administration of the settlement that are not materially inconsistent with this Order or the Settlement Agreement, including making, without further approval of the Court, minor changes to the form or content of the Notice, and other exhibits that they jointly agree are reasonably necessary.

Dated: 7/17/12

/s/Dan Aaron Polster
Hon. Dan Aaron Polster, U.S.D.J.

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